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UNITED STATES DISTRICT COURT

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9 EASTERN DISTRICT OF CALIFORNIA

10 MICHAEL WAYNE MATHISON,

11 Plaintiff,

12 v.

13 ZACHARY SHANNON, et al.,

14 Defendants.

15 Case No. 1:24-cv-00427-KES-SAB

16 ORDER TO SHOW CAUSE WHY ACTION
17 SHOULD NOT BE DISMISSED

18 (ECF No. 16)

19 **FOURTEEN-DAY DEADLINE**

20 Plaintiff is proceeding pro se and in forma pauperis in this action filed pursuant to 42
21 U.S.C. § 1983.

22 On September 3, 2024, the Court screened Plaintiff's second amended complaint, found
23 he stated a cognizable excessive force claim under the Fourth Amendment against Defendant
24 Zachary Shannon, and granted Plaintiff thirty days to either file an amended complaint or notify
25 the Court of his intent to proceed only on the claim found to be cognizable. (ECF No. 13.)

26 Plaintiff failed to comply with the Court's order by the thirty-day deadline. Accordingly,
27 on October 8, 2024, the Court issued an order to show cause why the action should not be
28 dismissed for failure to obey a court order or failure to prosecute. (ECF No. 14.) After the Court
issued its order, Plaintiff's motion for a ninety day extension of time was docketed. (ECF No.
15.) The Court discharged the order to show cause and granted Plaintiff's motion for an
extension of time in part, affording Plaintiff an additional thirty-days to file an amended
complaint that complies with Rule 8 of the Federal Rules of Civil Procedure or file a notice of

1 intent to proceed on the identified cognizable claim. (ECF No. 16.)

2 Plaintiff has failed to file either a notice of intent to proceed or an amended complaint
3 within the extended deadline. Accordingly, Plaintiff shall be ordered to show cause why the
4 action should not be dismissed for failure to prosecute and failure to comply with a court order.

5 Accordingly, it is HEREBY ORDERED that:

- 6 1. Within **fourteen (14) days** from the date of service of this order Plaintiff shall
7 show cause why the action should not be dismissed, or, alternatively, Plaintiff
8 shall file an amended complaint or notice of intent to proceed; and
- 9 2. Failure to comply with this order will result in a recommendation to dismiss this
10 action for failure to prosecute and failure to comply with a court order.

11 IT IS SO ORDERED.

12 Dated: November 14, 2024



13 STANLEY A. BOONE
14 United States Magistrate Judge

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